



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS: EIA Scoping Direction

3153092 Proposed Upper Ogmore Wind Farm

May 2018

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Appendix 1: Consultation responses

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This Scoping Direction is provided on the basis of the information received by the Planning Inspectorate on 23 March 2018, in addition to responses to consultation undertaken with statutory and non-statutory bodies. The Scoping Direction should be read in conjunction with the report submitted by the Applicant and the responses received from the consultees. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the Proposed Development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (“The 2017 Regulations”).

1. Introduction

The Planning Inspectorate received a request on behalf of the Welsh Ministers under Regulation 33(1) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for Upper Ogmore Wind Farm (“the Proposed Development”) by RES Ltd (“the Applicant”). The request was accompanied by a Scoping Report (SR) (Upper Ogmore Wind Farm: Request for EIA Scoping Direction, March 2018, RES Ltd) that outlines the proposed scope of the Environmental Statement (ES) for the Proposed Development.

The 2017 Regulations require that a request for a scoping direction must include:

- (a) *a plan sufficient to identify the land;*
- (b) *a brief description of the nature and purpose of the development including its location and technical capacity;*
- (c) *its likely significant effects on the environment;*
- (d) *a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and*
- (e) *such other information or representations as the person making the request may wish to provide or make.*

The Inspectorate considers that this has been provided in the Applicant’s SR. The Inspectorate is satisfied that the SR encompasses the relevant environmental aspects identified in the EIA Regulations.

Regulation 33 of the 2017 Regulations requires that before making a scoping direction the Welsh Ministers must take into account:

- (a) *any information provided by the applicant about the proposed development;*
- (b) *the specific characteristics of the particular development;*
- (c) *the specific characteristics of development of the type concerned; and*
- (d) *the environmental features likely to be significantly affected by the development.*

This Direction has taken into account the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Inspectorate has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Direction (see Section 4 below).

2. Site Description

The 'site' is defined in the SR as the area represented by the red boundary shown on Figure 2 of the SR. The site is located around the summit of Werfa between the Garw, Ogmore and Afan valleys, in an area identified as a Strategic Search Area in Technical Advice Note 8: Planning for Renewable Energy. The site is mainly located within Bridgend County Borough Council, but a small part in the north of the site is within Rhondda Cynon Taf County Borough Council. The site is described in detail in section 2.2 of the SR, and the location is shown on a plan in Figure 1 of the SR.

3. Proposed Development

This Scoping Direction is made on the basis that the development would include the following permanent features (as identified in section 2.3.2 of the SR):

- Wind turbines (the project is considered to have capacity for up to 8 horizontal-axis wind turbines);
- Wind turbine transformers and switchgear (if located outside the wind turbine tower);
- Turbine foundations;
- Crane hardstandings;
- Control building, substation, and storage compound (including energy storage devices);
- Electrical cabling; and
- On-site access tracks, entrances, and exits.
- Works to the existing forestry track network

In addition, the following temporary features will be present during construction (as identified in section 2.3.3 of the SR):

- Temporary enabling works and construction compounds;
- Hardstanding for lay-down areas; and
- Power performance masts.

The SR also indicates that there may be a requirement for off-site mitigation works to local roads in order to accommodate Abnormal Indivisible Loads (AILs).

The Planning Inspectorate has previously indicated that some elements of the scheme may need to be considered as secondary consents (e.g. the storage compound, common land consent), rather than as part of the DNS application itself. However, the scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

Section 2.5 of the SR states that the ES will include consideration of the environmental effects of the indicative grid route corridor if sufficient detail is available from the District Network Operator. The Inspectorate considers that the grid connection should be subject to a high level assessment of cumulative effects with the Proposed Development, to include consideration of potential significant effects under all applicable EIA topics.

The SR provides information on the anticipated construction phasing and activities, stating an estimated construction period of 12 to 18 months. Operational maintenance activity

and decommissioning are also briefly discussed. The ES should provide as much detail as possible on these elements, clearly explaining any assumptions made on which the identification of potential impacts has been based.

Alternatives

The SR does not discuss any alternatives considered in relation to the Proposed Development. In line with the requirements of the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

Flexibility

The SR states that the Proposed Development is still in the design stage, but outlines the components above stating they represent the 'worst case'. The Inspectorate notes from Section 2.3.2 of the SR the desire for flexibility in the proposed development design, with respect to the proposed turbines, transformers and switchgear, foundations, and other elements including access. The Inspectorate advises the Applicant to make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any parameters presented should not be so wide-ranging as to represent effectively different developments. It is a matter for the Applicant to consider whether it is possible to robustly assess, in preparing their ES, a range of undecided parameters.

4. Consultation

In line with regulation 33(7) of the 2017 Regulations, formal consultation was undertaken with the following bodies :

- Bridgend County Borough Council (BCBC)
- Rhondda Cynon Taf County Borough Council (RCTCBC)
- Natural Resources Wales (NRW)
- Cadw
- Welsh Government (in relation to aviation issues)

Responses received are included in **Appendix 1**. The SR states that the Applicant had already informally consulted BCBC, RCTCBC and NRW (in addition to Neath Port Talbot County Borough Council) in relation to ecological baseline studies, noise, and the scope of landscape and visual assessments. These topics are discussed in further detail under the relevant sections below.

The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES. Similarly, the ES should demonstrate how it has taken into account this Scoping Direction.

5. Environmental Impact Assessment Approach

For all environmental aspects, the Applicant should ensure that any survey data is as up-to-date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be

clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. As set out in the SR, consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

In relation to the assessment of cumulative effects, the Applicant should also have regard to the Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – Advice Note 17: Cumulative Effects Assessment¹ – which may be of relevance, in addition to the guidance identified in the SR. It is noted from Section 3.4 of the SR the intention to consider only other wind farms within the cumulative assessment, and the Inspectorate advises that the Applicant ensure that other types of development which could give rise to cumulative effects are considered in the assessment. The scope of the cumulative assessment should be fully explained and justified in the ES.

6. Environmental Impact Assessment Topics

This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.

The Inspectorate has set out in this Direction where it has/ has not agreed to scope out matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

6.1 *Landscape and Visual Assessment*

The Applicant should satisfy themselves that they have fully considered the direct landscape impacts arising from the proposed development. The viewpoints included in the

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf>

assessment should be adequate to allow significant visual effects to be fully assessed. Comments have been received by BCBC, regarding revisions to the viewpoints presented in the SR in Table 2: Preliminary Viewpoint Location. The Inspectorate recommends that comments raised by BCBC are taken into consideration by the Applicant and that efforts are made to agree viewpoint locations with consultees.

The Inspectorate notes the intention to undertake the assessment in accordance with professional guidance and advises that the methodology applied to the assessment is clearly set out in the ES, including any departures from standard guidance where applicable.

The Applicant should ensure that the landscape and visual impact of the whole scheme is assessed, and that as far as practical, all elements are included in visualisations. In particular, the control building, substation, and storage compound should be included in any visualisations from close range viewpoints, in addition to any other permanent features. It will also be appropriate to consider temporary installations, for example cranes used during the construction phase.

6.2 Ecology and Ornithology

The Applicant should ensure that the baseline for the assessment is robust and provides the data necessary to assess the likely significant effects of the Proposed Development. The Inspectorate advises that ecological survey data which is greater than two years old may require to be updated in order to prepare the ES. In addition, the Applicant should ensure that ecological surveys are undertaken at the appropriate time of year, and where any departures from optimal survey timings and methodologies have been made the ES should justify this approach and explain the implications for the assessment of significant environmental effects. NRW have also provided comments on the SR in this regard (their full response is provided in **Appendix 1**).

It is noted that the SR focusses on certain species and species groups (water voles, great crested newts, birds, and bats). No information is provided as to why other features have been scoped out of the assessment (e.g. peat habitats, invertebrates, reptiles, badgers). Again, the ES must present a robust baseline and clearly set out the data on which the assessment is based. Full results of surveys undertaken should be included in the ES, with the use of appendices and figures as appropriate. BCBC and NRW have provided comment with respect to the need to consider peat habitat and hydrological regime in their consultation responses, to which the Applicant should have regard. Further comment on this aspect is provided in Section 7 below.

Section 5.5.1 of the SR indicates the features that will form the focus of the EIA. It is noted that only designated habitats are likely to be considered as important ecological receptors. The Inspectorate advises that the ecological receptors to be considered in the EIA should be those considered likely to be associated with significant environmental effects, and that this may include undesignated habitats of ecological value (if present) which will be subject to impacts from the Proposed Development.

In determining the sensitivity of receptors and features considered in the assessment, the Applicant should be aware that the NERC Act 2006 has now been superseded by the Environment (Wales) Act 2016.

The potential impacts identified in the SR do not consider indirect impacts on any of the designated sites noted in the desk study results, however, the SR does not explicitly scope

out effects on these sites. The ES should clearly set out whether the Applicant considers if any significant effects on these sites could occur. Effects to habitats arising from indirect impacts, in particular changes to the hydrological regime of the site, are not discussed in the SR. In addition, this section does not identify any specific impacts on water vole, which the SR states have been recorded within habitat connected to the site. NRW also state in their Scoping response that further consideration will need to be given to potential impacts on water vole. The ES should address all potential impacts likely to arise from the Proposed Development and assess whether significant effects could occur.

6.3 Acoustics

It is noted from the SR that noise impacts associated with construction and operation of the Proposed Development will be considered in the ES. The ES should clearly set out any assumptions made about construction activities and other information on which the assessment is based. It may be appropriate to cross-refer to information applied in other environmental aspect assessments, for example the Traffic and Transport assessment.

It appears from paragraph 6.2 that issues of amplitude modulation (referred to as blade swish) will be included as part of the proposed acoustic assessment. The inclusion of that topic is considered appropriate and guidance relating to amplitude modulation contained in the Institute of Acoustics' Amplitude Modulation Working Group's 'Final Report: A Method for Rating Amplitude Modulation in Wind Turbine Noise', published in August 2016 should be taken into account when doing so.

Any relevant guidance or standards, other than those outlined in the SR, that are published prior to or during production of the ES should also be given due consideration. As set out in the SR, details of the methodology and monitoring locations to be used during acoustic assessment should be discussed and agreed where possible with appropriate officers within BCBC. It is noted that some engagement with BCBC officers has already taken place and that it has been agreed that the acoustic assessment will include reference to the Llynfi Afan Renewable Energy Park, along with Pant Y Wal and Pant Y Wal extension. This approach is supported.

Given that part of the application site is within the RCTCBC area, methodology and monitoring locations should also be discussed and agreed where possible with appropriate officers at that Authority. A working group approach, including officers from both authorities, may be beneficial and aid consistency.

6.4 Cultural Heritage

The Applicant should ensure that the study area, or areas, applied to the assessment are sufficient to identify all potential significant effects on heritage assets. The study area must be clearly defined in the ES. Given that some flexibility in the Proposed Development design is likely to remain at the time of assessment, the ES should demonstrate how the 'worst case scenario' has been taken into account, in particular with respect to effects on the setting of heritage assets. Comments have been received by Cadw, who recommend that the study area is extended to ensure all the historic assets inter-visible with the proposed development are taken into account. In their response, Cadw also set out a number of recommendations and suggestions in relation to the assessment of impacts on scheduled ancient monuments, listed buildings and other aspects of the historic environment, and it is recommended that these points are taken into account by the Applicant in preparing the ES. A copy of Cadw's full response is provided in Appendix 1.

As set out in the SR, details of the approach to EIA for the cultural heritage assessment and impact assessment should consider effects throughout the lifetime of the proposal, including decommissioning, and be agreed where possible with BCBC and Cadw. The assessment should adhere to standard professional guidance, and give consideration to Cadw's guidance Heritage Impact Assessment in Wales (2017).

6.5 Traffic and Transport

The impacts on traffic and transport at operation and decommissioning stages of the Proposed Development have been scoped out according to the SR. The Inspectorate accepts that the operational phase is unlikely to generate significant traffic and therefore is unlikely to give rise to significant environmental effects, subject to sufficient evidence being provided in the ES in this regard. With respect to the decommissioning phase, the Inspectorate is not content that significant effects can be excluded and therefore advises that this matter be considered in the ES and does not agree to scope it out. Given the lack of detail known about the decommissioning phase at the point of assessment, it will be necessary for the ES to clearly set out the assumptions and estimates made in order to assess the potential for significant effects. Furthermore, the assessment of traffic and transport should also include any potential for cumulative impacts arising in combination with other development.

The consultation with relevant bodies as set out in the SR is advised. Attention should be given to the scoping consultation response provided by BCBC on this issue, and those comments should be taken into account when preparing the relevant environmental information.

6.6 Public Access, Land Use and Socio-Economics

The SR does not contain a section on the predicted impacts of the development in relation to this environmental aspect. With regard to Public Access, the potential impacts of the scheme on the Public Right of Way network should be fully assessed under this topic area in the ES.

Rights of way and common land issues should be assessed over the full life cycle of the project and the potential for cumulative impact and interaction with other parts of the ES, for example landscape and visual effects and effects on ecological features, taken into account.

Further consultation with relevant bodies as set out in the SR is advised in order to identify the potential impacts of the Proposed Development and refine the assessment in the ES.

6.7 Shadow Flicker

The indicated approach in section 10.2 of the SR of assessing a 'worst case' scenario for shadow flicker is considered appropriate. However, it is not clear whether the 1,500m study area will be taken from the turbine locations or from the red line boundary and this should be clarified in the assessment. It is also suggested that the study area should consider the potential for the locations of turbines being moved e.g. through micro-siting. The ES should set out how significance of shadow flicker effects is assessed and any mitigation that is proposed.

7. Topics proposed to be scoped out of the EIA

7.1 Hydrology and hydrogeology

It is acknowledged that section 11.2 of the SR proposes to scope out a detailed impact assessment chapter for Hydrology and Hydrogeology but include the following information:

- Sustainable Drainage Management Plan
- Drainage principles to manage water runoff
- A watercourse schedule
- Information on flood risk

The justification provided in the SR for scoping this topic out is that the Proposed Development will be designed to incorporate good practice with respect to controlling surface water run-off and water quality, as well as pollution prevention and control. In addition, the SR states that the Proposed Development has been designed to avoid impacts on hydrological resources. Having had regard to the information in the SR and to the nature and characteristics of the Proposed Development, the Inspectorate agrees that a detailed assessment chapter can be scoped out of the ES. However, it considers that hydrological matters related to other environmental aspects, in particular ecology, should remain within the scope of the ES (additionally, see comments below regarding peat).

In their Scoping response, NRW emphasise that the ES should include details of any watercourse crossings, and set out relevant crossing design and measures to protect riparian-linked habitats. This will be particularly important where potential water vole habitats have been identified in the north east of the site. The above information (in particular the watercourse schedule) should address NRW's comments.

7.2 Geology, mining, and peat

The Inspectorate notes that further geotechnical studies are proposed in order to inform the detailed design of the Proposed Development, but that that detailed assessment of these issues is proposed to be scoped out of the ES by the Applicant. The information in the SR with regards to detailed investigations to date into past mining activity, geophysical and geotechnical investigations, and peat survey, have been considered along with the information on the Proposed Development and the Inspectorate is content to scope these matters out of the ES with the exception of peat.

NRW also note the uncertainty around the avoidance of peat with respect to the layout of the Proposed Development in their consultation response. They also comment that even if the infrastructure and hardstanding areas of the Project avoid areas of deep peat an assessment would still be needed of the hydrological impacts on contiguous habitats with shared or connected hydrology. The Inspectorate considers that it would be appropriate to address effects on peat as a separate chapter or as part of another appropriate chapter, such as the ecology and biodiversity assessment as identified under section 11.3.5 of the SR.

7.3 Aviation and defence

It is accepted that there will be no significant residual effects on aviation or defence following implementation of technical mitigation. A summary of consultation undertaken

and details of any technical mitigation measures should be presented so that any exclusion of aviation and defence issues from the scope of the ES is justified.

7.4 Air quality

Having considered the information in the SR and the characteristics of the Proposed Development, it is accepted that due to the nature of the development, there are unlikely to be significant effects on air quality and as such this topic can be scoped out of the ES.

7.5 Climate change

Having considered the information in the SR and the characteristics of the Proposed Development it is accepted that as the effect on climate change is unlikely to be significant, the carbon calculation can be appropriately presented as a technical appendix to the project description chapter in the ES.

7.6 Electromagnetic interference

As with aviation and defence issues, it is accepted from the information in the SR that there will be no significant residual effects on electromagnetic interference following implementation of technical mitigation. A summary of consultation undertaken and details of any technical mitigation measures should be presented so that any exclusion of electromagnetic interference from the scope of the ES is justified.

7.7 Human health

Although it is agreed that a separate human health impact assessment is not needed as part of the ES, the Applicant should ensure that the ES addresses any significant effects on human health, in light of changes to the EIA Regulations in 2017. Section 11.8 identifies the noise and shadow flicker chapters as having implications for human health, but it is suggested that residential visual amenity, public access and traffic may also have implications for human health that should be considered under those topics.

7.8 Major accidents and/or disasters

Having considered the information in the SR, it is accepted that there is unlikely to be a significant effect from major accidents or disasters and as such this topic does not need a separate chapter within the ES.

However, the ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural

heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.

7.9 Waste and material resources

Having regard to the information in the SR and to the nature and characteristics of the Proposed Development the Inspectorate considers that significant effects are unlikely to arise from the generation of waste or use of material resources and as such this topic can be scoped out of the ES.

7.10 Transboundary Effects

Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The SR has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State. The ES should address this matter as appropriate.

8. Environmental Statement Structure

Providing that the comments above are taken into account and all effects can be considered under the proposed topic chapters, the structure of the ES identified in section 3.6 of the SR is considered appropriate.

It is suggested that as the assessments are made, consideration is given to whether stand-alone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

The Applicant should satisfy themselves that the ES includes all the information outlined in Schedule 4 of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary (Volume 1) includes a summary of all the information included in Schedule 4.

Appendix 1

Appendix 1a: Bridgend County Borough Council

Appendix 1b: Cadw

Appendix 1c: Natural Resources Wales

Appendix 1a: Bridgend County Borough Council

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The Planning and Environment Team
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Gofynnwch am / Ask for: **Philip Thomas**
Ein cyf / Our ref: **P/18/213/ESO**
Eich cyf / Your ref: **3153092**
Dyddiad / Date: 03 May 2018

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENT OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER
2016
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES)
REGULATIONS

POTENTIAL DNS APPLICATION
SITE ADDRESS: LAND SURROUNDING WERFA TELECOMMUNICATION MAST
BETWEEN ABERGWYNFI BLAENGARW AND NANTYMOEL
PROPOSED DEVELOPMENT: PLANNING PERMISSION TO CONSTRUCT AND OPERATE
A WIND FARM INCLUDING UPTO 8 WIND TURBINES AND BATTERY ENERGY
STORAGE SYSTEM

LPA REFERENCE: P/18/213/ESO

Bridgend County Borough Council request that the following comments on the scope of the EIA and the proposed methodologies outline in the Scoping Report be considered:

Proposed Development:

Construction phase - In addition to the content of the scoping report, the biggest risk from a pollution viewpoint, occurs during construction with silt as suspended solid runoff being the main issue. The developer should therefore plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). It is recommended that a Construction Environmental Management Plan is produced to ensure management of pollution incidents and protection to the environment.

Landscape and Visual:

This Council has already provided observations to LUC who have been commissioned by the developers to undertake the Landscape and Visual Impact Assessment. The Council has requested that additional viewpoints be undertaken and revisions be made to those listed in

Table 2: Preliminary Viewpoint Location. A copy of the Council's response will be provided as part of the response and it is requested again that consideration be given to these locations.

Ecology and Bio-diversity:

Natural Resources Wales (NRW) have commented that the evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short medium and long term; permanent and temporary; positive and negative, and construction (including impacts of construction site access) operation and decommissioning phase impacts on the nature conservation resource, landscape and public access.

With regard to 'Description of Biodiversity', NRW would expect the ES to include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with an assessment of the significance of any likely impacts. Ecological Survey Information: NRW advise that consideration is given to updating ecological survey information that is two years old, or older. If the submission is not imminent, we advise **that this ecological season is utilised to provide the relevant updated information.**

Key Habitats: NRW note that Phase 1 surveys for the whole site date back to 2014, with some more recent information from 2016 for some of the site. NRW are pleased to see that a repeat Phase 1 will be undertaken in 2018, however it is suggested that this is carried out in June/July as opposed to late spring as proposed. This will ensure that the most accurate information on the flora is obtained. This should be undertaken in accordance with the NCC Phase 1 survey guidelines (NCC (1990). NRW usually expect the applicant to categorise the on-site habitats found in terms of Section 7 priority habitat types and quantify and mitigate for any losses of these habitats. NRW strongly recommend that remaining on-site habitats are enhanced through a habitat management plan, maintaining hydrological links and restoring degraded habitats – with particular focus on the degraded area of blanket bog identified in the existing Phase 1 survey. NRW and this Council also emphasise that protection and restoration of peat and associated habitats, with the resulting ecosystem services benefits (biodiversity, carbon sink, flood risk management etc.), is central to delivery of the 'Resilient Wales' goal under the Wellbeing of Future Generations Act.

Protected Species: The site should be comprehensively assessed for its potential to support protected species. Surveys for protected species should be undertaken by suitably qualified, experienced and where necessary, licensed surveyors in accordance with published guidance, where this exists, and best practice. It is noted that the submission will be accompanied by specific surveys for bats, great crested newts, water voles and Birds. Bats Bat surveys should follow the guidance in the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists. Good Practice Guidelines (3rd Edition) 2016', and Chapter 2 of the 2nd Edition 2012 of these guidelines ('Surveying for Onshore Wind Farms) which specifically relates to development proposals of this type. Whilst it is noted that the ground level transect surveys have considered the current proposed turbine locations, the static detector deployment was representative of the turbine locations as they were in 2015/2016. With regards to the current layout, this means that statics were deployed near only 3 of the 8 proposed turbine locations. NRW therefore advise that consideration is given to updating the surveys if the turbine locations are now different, and the ES should include a justification and explanation for their siting.

Detailed consideration should be given to the presentation of survey results, to give a clear picture of the use of the site by bats across the site, by different species and at different times of the night throughout the seasons.

NRW acknowledge that surveys of the Werfa mast compound were undertaken in 2016 and refer to the earlier comment above regarding updating survey data.

Great Crested Newts (GCN): Three ponds identified within the site were subject to GCN surveys in 2016 and that two ponds adjacent to the access route were surveyed using eDNA sampling. The location of these latter two ponds is not clear and should be clarified by the submission. Full survey methodology and results should be provided for the eDNA surveys. Again, these surveys will need to be updated as necessary

Water voles: Further consideration will need to be given to potential impacts of the development on water vole and we recommend that habitat enhancement opportunities are considered in the final submission.

Ornithology: NRW understand an Ornithological Impact Assessment is to be carried out which is to include collision risk modelling. Post construction monitoring should be considered to give a better understanding of windfarms on the effects of birds.

Acoustics:

The 'Scoping Report' confirms that consultation with the Council's Public Protection Section; (Shared Regulatory Services) have already taken place regarding the proposed methodology for assessing noise from the development. It is critical that a cumulative noise assessment is undertaken and shall reference the Llynfi Afan Renewable Energy Park along with Pant Y Wal and Pant Y Wal extension.

Cultural Heritage:

No comments.

Traffic and Transport:

The Council acknowledge that a Traffic Management Plan will be provided in support of the application. Prior to the preparation of this report, I would recommend contact Jason Jenkins - Highways Network Manager - Jason.Jenkins@bridgend.gov.uk and Robert Morgan - Senior Development Control Officer - Rob.Morgan@bridgend.gov.uk to discuss the scope of the report.

This Council agrees that the operational traffic associated with the development does not need to be included within the transport and traffic assessment.

Public Access, Land Use and Socioeconomics:

No comments.

Shadow Flicker:

This Council agrees with the scope of the assessment for shadow flicker but recent experience suggests that complaints of shadow flicker have been received from properties that are beyond the prescribed distance (the diameter of 10 rotor blades).

Topics Scoped out of the EIA:

The following comments have been received from NRW:

"The justification for scoping out any further consideration of impacts on peat is based on the site walkover surveys and peat probe surveys that were undertaken in 2017, and the fact that the proposed turbine locations and wind farm infrastructure will avoid areas of deep peat (>0.5m). However, this appears to contradict the peat contour maps that were the subject of discussions between NRW and the applicant during pre-app consultation which show that the proposed track between turbines T7 and T3, and the proposed track route and turbine pad T8 both affect areas of deep peat.

*There has been discussion about possible re-siting of the track between T7 and T3 and track route to T8, as well as rotation of the crane pad at T8 to avoid areas of deep peat, but as we have not seen the final layout it is not clear whether these recommendations have been incorporated. Even if the layout is adjusted such that the infrastructure avoids areas of deep peat, an assessment would still need to be made of the hydrological impacts resulting from the turbines, infrastructure and construction on contiguous habitats with shared or connected hydrology. **NRW would therefore recommend that peat and hydrology be scoped in to the final assessment.***

It is noted that the applicant proposes to scope out a detailed impact assessment of hydrology and hydrogeology. NRW further emphasise that the ES should include details of any watercourse crossings, whether in this chapter or elsewhere in the ES, and set out relevant crossing design and measures to protect riparian-linked habitats. This will be particularly important where potential water vole habitats have been identified in the north east of the site."

Yours faithfully



CORPORATE DIRECTOR COMMUNITIES

Appendix 1b: Cadw



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
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cadw.gov.wales

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Ifan Gwilym
The Planning Inspectorate

policy.wales@pins.gsi.gov.uk

Eich cyfeirnod
Your reference

3153092

Ein cyfeirnod
Our reference

Dyddiad
Date

4 May 2018

Llinell uniongyrchol
Direct line

0300 025 6203

E-bost
Email:

amadminplanning@gov.wales

Dear Mr Gwilym,

**TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES)
ORDER 2016
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT
(WALES) REGULATIONS 2017**

Thank you for your letter of 23 March 2018 asking for Cadw's comments about what should be included within an Environmental Statement (ES) for a proposed Wind Farm, surrounding Werfa Telecoms mast (eight turbines, up to 150m to tip height) between Abergwynfi, Blaengarw and Nantymoel. I apologise for our delay in responding.

Assessment

The applicant has submitted an EIA Scoping Report. Section seven outlines the structure, content and means of assessment proposed for the Cultural Heritage chapter of the ES. The suggested broad areas within the scoping report cultural heritage chapter are acceptable subject to the comments below.

Scheduled Monuments

Within 5km of the development site there are approximately 17 scheduled monuments. Given the significant height of the proposed wind turbines, and their location on a hilltop summit, it is considered that a 5km search area would be far too constrained for this development and it is likely that it will have a visual impact on the setting of scheduled monuments beyond a 5km range. It is therefore recommended that the applicant's search area includes all scheduled monuments that are inter-visible with the proposed development.

While the indicative locations for the wind turbines have been identified in Figure 2 and these avoid direct impact to the scheduled monuments, none of the other locations for any of the permanent or temporary infrastructure have been identified.

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



The applicant should avoid impacting directly on any scheduled monuments. Where it is proposed to directly impact on any scheduled monument, scheduled monument consent would be required from Cadw in advance. The scheduled monument consent application would need to be accompanied by a detailed statement of significance expressing the heritage values of the monument(s) concerned, and a heritage impact assessment conforming to Cadw's recent guidance (which also explores alternatives), and that would show how the proposal would impact on the monument's heritage values.

Given the very large size of the proposed development site, the dispersed nature and very significant height of the wind turbines, and the high density of scheduled monuments, Cadw would expect to see a very detailed analysis of the impact of the proposals on the setting of the scheduled monuments in line with Cadw's recently published guidance. The analysis needs to be proportionate to the large scale and visual intrusion of the development and the very high significance and sensitivity of the scheduled monuments. The applicant should be aware that in Cadw's view the proposed development is likely to have a significantly adverse impact on a number of scheduled monuments of national importance.

The correct baseline data sources have been identified, although the applicant should consider the use of LiDAR to determine whether the linear dykes continue beyond the scheduled areas. Additional sources of aerial photography may also be found at the Welsh Government's Aerial Photography Unit in Cardiff. The scheduled monuments should be identified as high sensitive receptors and the applicant should supply photomontages showing the views of the turbines and infrastructure inter-visible with relevant monuments to inform their understanding and to enable the visual impact on setting to be determined.

The applicant proposes to use an assessment methodology adapted from the *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties*, with reference to comparable approaches in the *Design Manual for Roads and Bridges* (DMRB) for assessing the sensitivity of historic assets. Cadw has recently published *Heritage Impact Assessment in Wales* guidance, and it is recommended that this guidance and the good practice therein is used instead of the guidance on world heritage properties. The heritage values (evidential, historical, aesthetic and communal) should be used to define the significance of the scheduled monuments following Cadw's published *Conservation Principles* guidance; this will inform the assessment of their sensitivity.

The assessment should also consider the likely significant effects during decommissioning as well as construction and operation. The assessment should also consider the cumulative impacts of this proposal with other existing and proposed schemes on the historic environment.

Listed Buildings

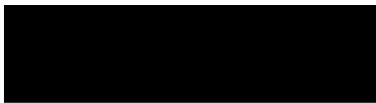
Within 5km of the development site there are approximately 53 listed buildings, within the area of the proposed Wind Farm, of which there are 3 No grade II* listed buildings - Tynewydd Farm House (No.13115), Park and Dare Workmen's Institute and Hall (No. 18064) and St St.Peter's Parish Church (No. 13126). The proposed

development site with its 150m high wind turbines and its ancillary structures will have an impact on the setting of listed buildings within the 5km area. The impact on the setting of the listed buildings is likely to be significant and an even wider/ extended study area should be taken into account covering all the historic assets inter visible with the proposed development.

Registered Historic Landscapes

The applicant should undertake to identify all registered historic landscapes, parks and gardens that are inter-visible with the proposed development and assess the impact(s) accordingly. The applicant proposes to use the ASIDOHL2 methodology. This is acceptable.

Yours sincerely,



Casework Team Leader
Policy & Protection

Appendix 1c: Natural Resources Wales

Ifan Gwilym
Planning Officer
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Dyddiad/Date: 20 April 2018

Annwyl / Dear Mr Gwilym,

Potential DNS scoping opinion - planning application to construct and operate a wind farm, including up to 8 wind turbines and battery energy storage system at land at Werfa Telecommunications Mast between Abergwynfi, Blaengarw and Nant-y-Moel.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales on the above Scoping opinion, which we received on 23 March 2018.

We welcome the EIA Scoping Report entitled 'Upper Ogmere Wind Farm and the request for formal Environmental Impact Assessment (EIA) Scoping Direction' by RES Ltd dated March 2018.

1. Construction phase

In addition to the content of the scoping report, the biggest risk from a pollution viewpoint, occurs during construction with silt as suspended solid runoff being the main issue. The developer should therefore plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

We recommend a Construction Environmental Management Plan is produced to ensure management of pollution incidents and protection to the environment.

2. Landscape and Cumulative Effect

We welcome the production of a Landscape and Visual Impact Assessment as noted in section 4.1.

3. Ecology and Biodiversity

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short medium and long term; permanent and temporary; positive and negative, and construction (including impacts of construction site access) operation and decommissioning phase impacts on the nature conservation resource, landscape and public access.

Description of Biodiversity

We would expect the ES to include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with an assessment of the significance of any likely impacts.

Ecological Survey Information

We advise that consideration is given to updating ecological survey information that is two years old, or older. If the submission is not imminent, we advise that this ecological season is utilised to provide the relevant updated information.

Key Habitats

We note that Phase 1 surveys for the whole site date back to 2014, with some more recent information from 2016 for some of the site. We are pleased to see that a repeat Phase 1 will be undertaken in 2018, however we would suggest that this is carried out in June/July as opposed to late spring as proposed. This will ensure that the most accurate information on the flora is obtained. This should be undertaken in accordance with the NCC Phase 1 survey guidelines (NCC (1990). Handbook for Phase 1 habitat survey. NCC, Peterborough).

We usually expect the applicant to categorise the on-site habitats found in terms of Section 7 priority habitat types and quantify and mitigate for any losses of these habitats. We strongly recommend that remaining on-site habitats are enhanced through a habitat management plan, maintaining hydrological links and restoring degraded habitats – with particular focus on the degraded area of blanket bog identified in the existing Phase 1 survey. We also emphasise that protection and restoration of peat and associated habitats, with the resulting ecosystem services benefits (biodiversity, carbon sink, flood risk management etc.), is central to delivery of the 'Resilient Wales' goal under the Wellbeing of Future Generations Act.

4. Protected Species

The site should be comprehensively assessed for its potential to support protected species. Surveys for protected species should be undertaken by suitably qualified, experienced and where necessary, licensed surveyors in accordance with published guidance, where this exists, and best practice. We note that the submission will be accompanied by specific surveys for bats, great crested newts, water voles and Birds.

Bats

Bat surveys should follow the guidance in the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists. Good Practice Guidelines (3rd Edition)2016', and Chapter 2 of the 2nd Edition 2012 of these guidelines ('Surveying for Onshore Wind Farms) which specifically relates to development proposals of this type. Whilst we note that the ground level transect surveys have considered the current proposed turbine locations, we note that the static detector deployment was representative of the turbine locations as they were in 2015/2016. With regards to the current layout, this means that statics were deployed near only 3 of the 8 proposed turbine locations. We therefore advise that consideration is given to updating the surveys if the turbine locations are now different, and the ES should include a justification and explanation for their siting.

Detailed consideration should be given to the presentation of survey results, to give a clear picture of the use of the site by bats across the site, by different species and at different times of the night throughout the seasons.

We acknowledge that surveys of the Werfa mast compound were undertaken in 2016 and refer to our comment above regarding updating survey data.

Great Crested Newts (GCN)

Three ponds identified within the site were subject to GCN surveys in 2016 and that two ponds adjacent to the access route were surveyed using eDNA sampling. The location of these latter two ponds is not clear and should be clarified by the submission. Full survey methodology and results should be provided for the eDNA surveys. Again, these surveys will need to be updated as necessary

Water voles

Further consideration will need to be given to potential impacts of the development on water vole and we recommend that habitat enhancement opportunities are considered in the final submission.

Ornithology

We understand an Ornithological Impact Assessment is to be carried out which is to include collision risk modelling. Post construction monitoring should be considered to give a better understanding of windfarms on the effects of birds.

Topics scoped out of the ES

5. Hydrology and Peat

The justification for scoping out any further consideration of impacts on peat is based on the site walkover surveys and peat probe surveys that were undertaken in 2017, and the fact that the proposed turbine locations and wind farm infrastructure will avoid areas of deep peat (>0.5m). However, this appears to contradict the peat contour maps that we discussed with the applicant during pre-app consultation which show that the proposed track between turbines T7 and T3, and the proposed track route and turbine pad T8 both affect areas of deep peat.

There has been discussion about possible re-siting of the track between T7 and T3 and track route to T8, as well as rotation of the crane pad at T8 to avoid areas of deep peat, but as we have not seen the final layout it is not clear whether these recommendations have been incorporated. Even if the layout is adjusted such that the infrastructure avoids areas of deep peat, an assessment would still need to be made of the hydrological impacts resulting from the turbines, infrastructure and construction on contiguous habitats with shared or connected hydrology.

We would therefore recommend that peat and hydrology be scoped in to the final assessment.

We also note that the applicant proposes to scope out a detailed impact assessment of hydrology and hydrogeology. We would further emphasise that the ES should include details of any watercourse crossings, whether in this chapter or elsewhere in the ES, and set out relevant crossing design and measures to protect riparian-linked habitats. This will be particularly important where potential water vole habitats have been identified in the north east of the site.

Please note that our comments are made purely on the information contained within the submission, they are without prejudice to any comments we may subsequently wish to make, including upon receipt of further or more detailed information, which we may need to

take into account in making formal comments, or in determining any Environmental Permit, European Protected Species or Marine Licence applications.

I hope these comments are of assistance. If you have any queries, or if you require any further information, please do not hesitate to contact us at the above address.

Yn ddiffuant / Yours sincerely

Miss Rhian Isaac
Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor